

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:19-CR-00166-D

UNITED STATES OF AMERICA :
 :
 v. :
 :
 JAMMIE SMITH :

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of a Memorandum of Plea Agreement entered into by the defendant on June 4, 2020, the defendant's guilty plea to offenses in violation of 18 U.S.C. §§ 922(g) and 924, and all other evidence of record, the Court finds that the following property is hereby forfeitable pursuant to 18 U.S.C. § 924(d)(1), made applicable to this proceeding by virtue of 28 U.S.C. § 2461(c), to wit:

- Smith and Wesson, Body Guard, .380 caliber handgun, bearing serial number KFD0668;
- Romarm, Wasr 10/63, 7.62 caliber rifle, bearing serial number BX459986RO;
- Smith and Wesson, 10/6, .38 caliber revolver, bearing serial number 52560; and
- All ammunition seized during the investigation.

AND WHEREAS, by virtue of said finding, the United States is now entitled to possession of said property pursuant to 21 U.S.C. § 853 and Fed. R. Crim. P.

32.2(b)(3);

It is hereby ORDERED, ADJUDGED, and DECREED:

1. That based upon the Guilty Plea by the defendant, and all other evidence of record, the United States is hereby authorized to seize the above-stated property, and it is hereby forfeited to the United States for disposition in accordance with the law, including destruction, subject to the provisions of 21 U.S.C. § 853(n), as allowed by Fed. R. Crim. P. 32.2(b)(3).

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order is now final as to the defendant upon entry.


3. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General or the Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's

claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853 and 28 U.S.C. § 2461(c), as required by Fed. R. Crim. P. 32.2(c)(2).

SO ORDERED. This 19 day of October, 2020.



JAMES C. DEVER III
United States District Judge